IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 21ST NOVEMBER 2006 / 30TH KARTHIKA 1928

WP(C).No. 30021 of 2006(Y)

PETITIONER:

MR.K.M.VARGHESE, MANAGING PARTNER,
M/S.TRICON CONSTRUCTIONS, RESIDING AT
KOIKKAPARAMPIL HOUSE, KOZHENCHERRY, PATHANAMTHITTA
DISTRICT.

BY ADV. SRI.TOMY XAVIER PARAPPURAM
SMT.BEENA JOHN

RESPONDENTS:
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1. MR.P.S.MATHEW,
PULIYILETHU SAM BUNGLOW,
KOZHENCHERRY, PATHANAMTHITTA DISTRICT.

2. THE CONSUMER DISPUTES REDRESSAL FORUM,
PATHANAMTHITTA.

BY ADV. SRI.ARUN.B.VARGHESE
G.P. SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1 JUDGMENT DT.30.7.05 OF KERALA STATE CONSUMER DISPUTES REDRESSAL COMMISSION.

P2 ORDER DT 30.8.06 OF CONSUMER DISPUTES REDRESSAL FORUM.

P3 LETTER DT 30.8.06 GIVEN BY THE RESPONDENT TO THE PRESIDENT, CONSUMER FORUM

P4 ORDER DT 26.9.06 OF CDRF.

RESPONDENT'S EXHIBITS:

R1(A) MEDICAL CERTIFICATES WITH RESPECT TO THE HEALTH CONDITION OF R1.

R1(B) ORDER DT 26.9.06 IN EP.7/06 IN OP.36`/97 OF THE CDRF.

R1(C) AFFIDAVIT AND EA FILED IN EP.7/06.

R1(D) APPLICATION FILED IN EP.7/06.

TRUE COPY

P.A. TO JUDGE

C.N. RAMACHANDRAN NAIR, J.

W.P. (C) No. 30021 OF 2006 Y

Dated this the 21st day of November, 2006

J U D G M E N T

Heard counsel for the petitioner and counsel for the 1st respondent.

2. The award passed by the Consumer Disputes Redressal Forum against the petitioner became final. The prayer before the CDRF for instalment facility was declined on account of advance age of the 1st respondent. The petitioner is a builder, who collected amounts from the 1st respondent 10 years back. I do find no ground to grant instalment facility to the petitioner. However, petitioner is granted time till 31.12.2006 to pay the entire payment to the 1st respondent through Demand Draft, failing which the Forum will forthwith enforce the award by ordering arrest or will take coercive steps for recovery from the petitioner. If the petitioner makes payment based on the award and thereafter if there is any dispute in the calculation of interest, it is for the CDRF to settle it. However, I make it clear that if the petitioner works out liability indifferently in violation of the award and further tries to delay the payment, the Forum should order adequate compensation to the 1st respondent.

(C.N. RAMACHANDRAN NAIR, JUDGE)

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